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Attorney for Montezuma Mexican
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HEARING DATE: March 21, 2019
HEARING TIME: 2:00PM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No. 15-10365 (MG)

MONTEZUMA MEXICAN RESTAURANT
INC.,

Debtor.

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**STATEMENT OF THE DEBTOR WITH RESPECT TO THE
UNITED STATES TRUSTEE'S MOTION TO DISMISS CHAPTER 11 CASE
OR ALTERNATIVELY, CONVERT THE CASE TO CHAPTER 7**

Montezuma Mexican Restaurant, Inc. (the "Debtor"), by and through the law firm of Reich, Reich & Reich, P.C. (the "Reich Firm"), as and for its statement with respect to the Motion of the United Trustees Office (the "US Trustee"), seeking dismissal of its Chapter 11 Case or alternatively, converting its case to one under Chapter 7 respectfully states as follows:

- 1.) The Reich Firm was recently retained by the Debtor to facilitate its filing of an affidavit of disbursements so as to comply with its post-confirmation quarterly financial reporting requirements to the Court and to the US Trustee and to advise it on the best course of action with respect to the instant motion.
- 2.) The Debtor advised the Reich Firm that the attorney that represented it during the course of its Chapter 11 case, Marissa, Soto, Esq., of the Law Office of Soto & Associates, P.C., became a New York State Civil Court Judge, in Bronx County, and as such could no longer represent the Debtor after it confirmed its Chapter 11 Plan of Reorganization.

3.) The Debtor filed an Affidavit of Quarterly Disbursements (“Affidavit”) on March 15, 2019 (ECF Docket No. 155) disclosing all of its quarterly disbursements since the entry of the Order Confirming the Debtor’s Fourth Plan of Reorganization on December 14, 2017. A copy of the Affidavit is annexed hereto as Exhibit A.

4.) The Debtor consents to entry of an order dismissing its Chapter 11 case conditioned upon the inclusion of a provision in the dismissal order preserving the effectiveness of all previously entered orders of the Court in the Debtor’s Chapter 11 case. The United States Trustee, through Trial Attorney, Andrew Velez-Rivera, Esq., has advised the undersigned that it would consent to the granting of such relief in the dismissal order. Alternatively, should the aforementioned condition not be acceptable to the Court, the Debtor requests a brief adjournment of the instant motion so as to allow it to file a motion seeking entry of a Final Decree.

Dated: White Plains, New York
March 18, 2019

Reich, Reich & Reich, P.C.
Attorneys for Montezuma Restaurant Group

By: /s/ Jeffrey A. Reich
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